



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200400196	May 25, 2004
Stream: Wetlands Adj. to Mulberry Run	Expiration Date:
	June 24, 2004
Address comments to:	US Army Corps of Engineers, Huntington District 602 Eighth Street ATTN: CELRHE Huntington, West Virginia 25701-2070

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Dominion Homes
5000 Tuttle Crossing Boulevard
Dublin, Ohio 43016

LOCATION: The proposed project area is located in and adjacent to Mulberry Run and in a wetland adjacent to Mulberry Run, north of Rensch Road and west of Harrisburg Pike, in Grove City, Franklin County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant is requesting authorization for the placement of fill material into waters of the United States to facilitate construction of Autumn Grove, a proposed 225-lot residential development. The proposed project area is located on a 129 acre site and contains two streams, Mulberry Run and an unnamed tributary of Mulberry Run, and one 0.05 acre wetland. Both streams originate from tile blow outs within the project boundary.

For construction of the proposal, the applicant is requesting authorization for impacts to 723 linear feet of stream and 0.05 acres of wetland as follows: the placement of fill material into 192 linear feet of Mulberry Run for the construction of a four sided box culvert; the placement of fill material into 531 linear feet of the unnamed tributary to Mulberry Run for the construction of four lot pads and two access roads; and the placement of fill material into 0.05 acres of wetland for the development of two lot pads. All fill material would be generated from site grading and culvert materials.

The proposed development included four access roads. The main access routes to the proposed development would be from the construction of two roads north off Rensch Road. Secondary access would be from the adjacent neighborhood north of the site through a continuation of both Demorest Road and Rishel Street. The proposal includes the construction of four storm water detention basins, two of which would be constructed with wetland vegetation shelves.

Mitigation: As mitigation for the proposed impacts, the applicant has reserved 0.1 acre of wetland bank credit at the Wetlands Resource Center's Little Scioto Mitigation bank site. The applicant also proposes to construct approximately 0.5 acre of wetland shelves within two of the proposed detention ponds. The applicant proposes to mitigate for stream impacts by preserving the remaining 2,438 linear feet of Mulberry Run and the remaining 61 linear feet of the unnamed tributary and their adjacent riparian corridors within the property boundary.

Alternatives Analysis: Construction of the proposed development does not require access to or sitting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis, which is currently under review by this office.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A Phase I Cultural Resources Investigation has been performed by the applicant. A copy of this public notice and a copy of the Phase I Cultural Resources Investigation Report will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (endangered), Scioto madtom (endangered), clubshell mussel (endangered), northern riffleshell mussel (endangered), eastern massasauga (candidate species), and the rayed bean mussel (under evaluation for official listing as a Federal Candidate species).

The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact

including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

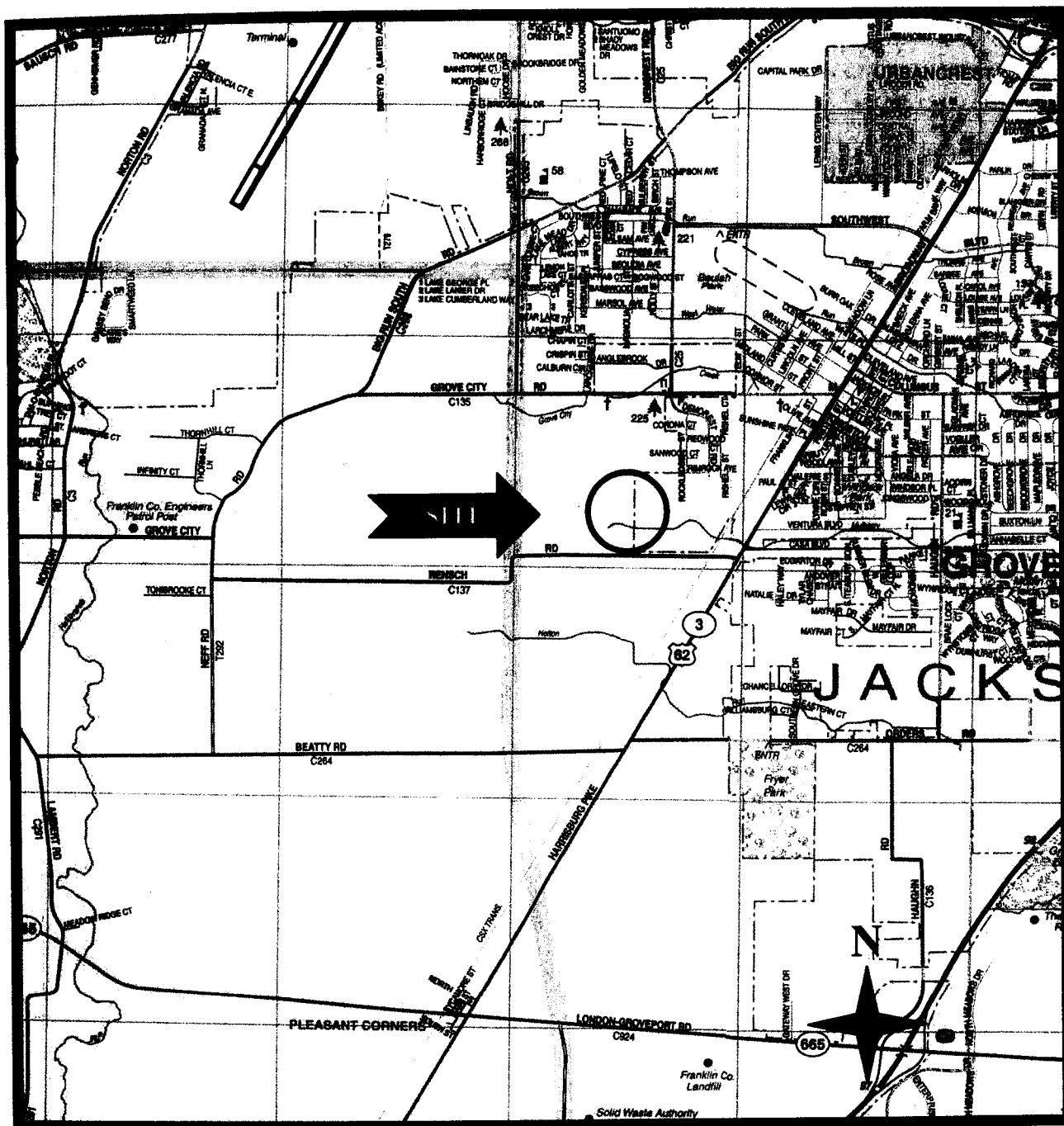
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200400196
502 8th Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.

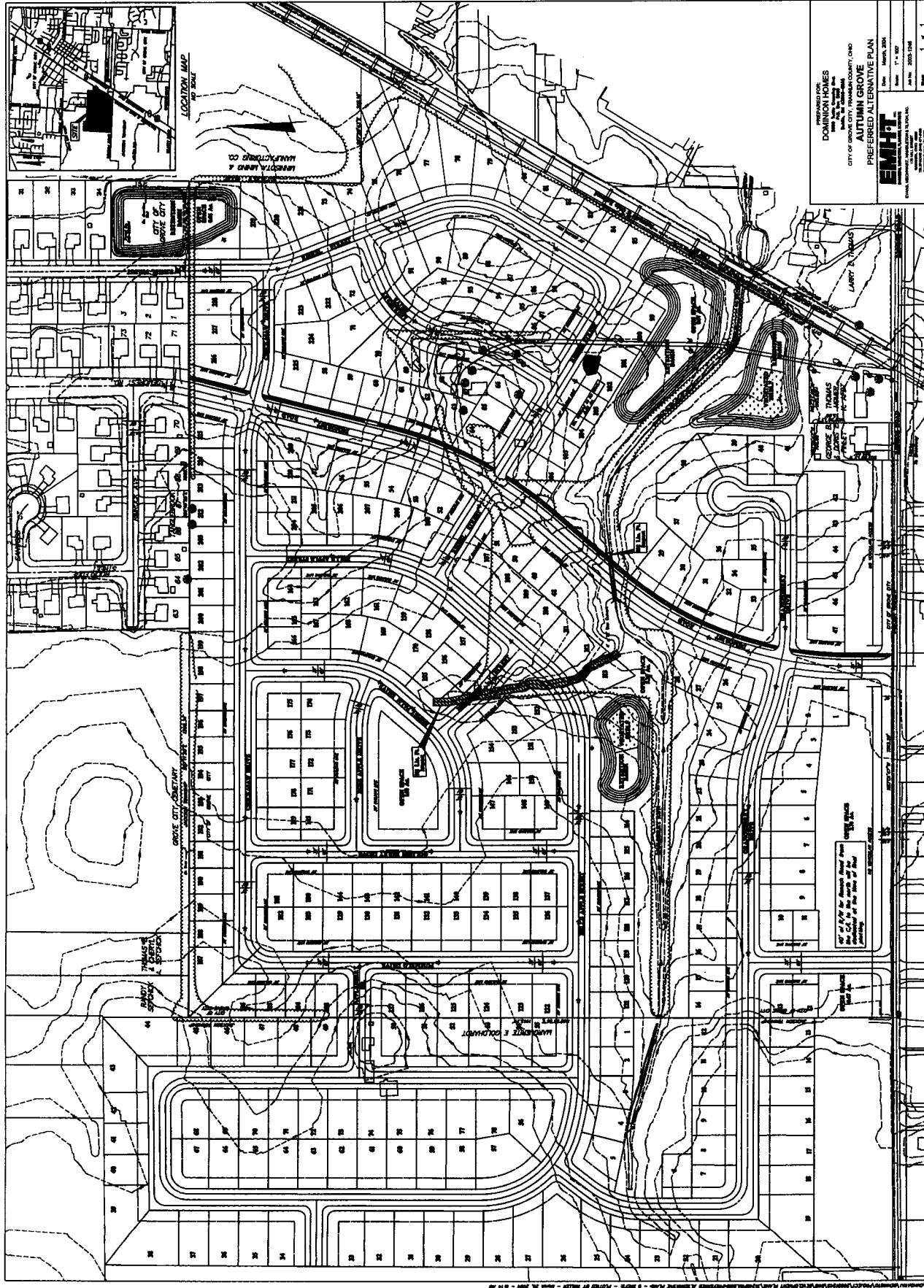

Ginger Mullins
Chief, Regulatory Branch

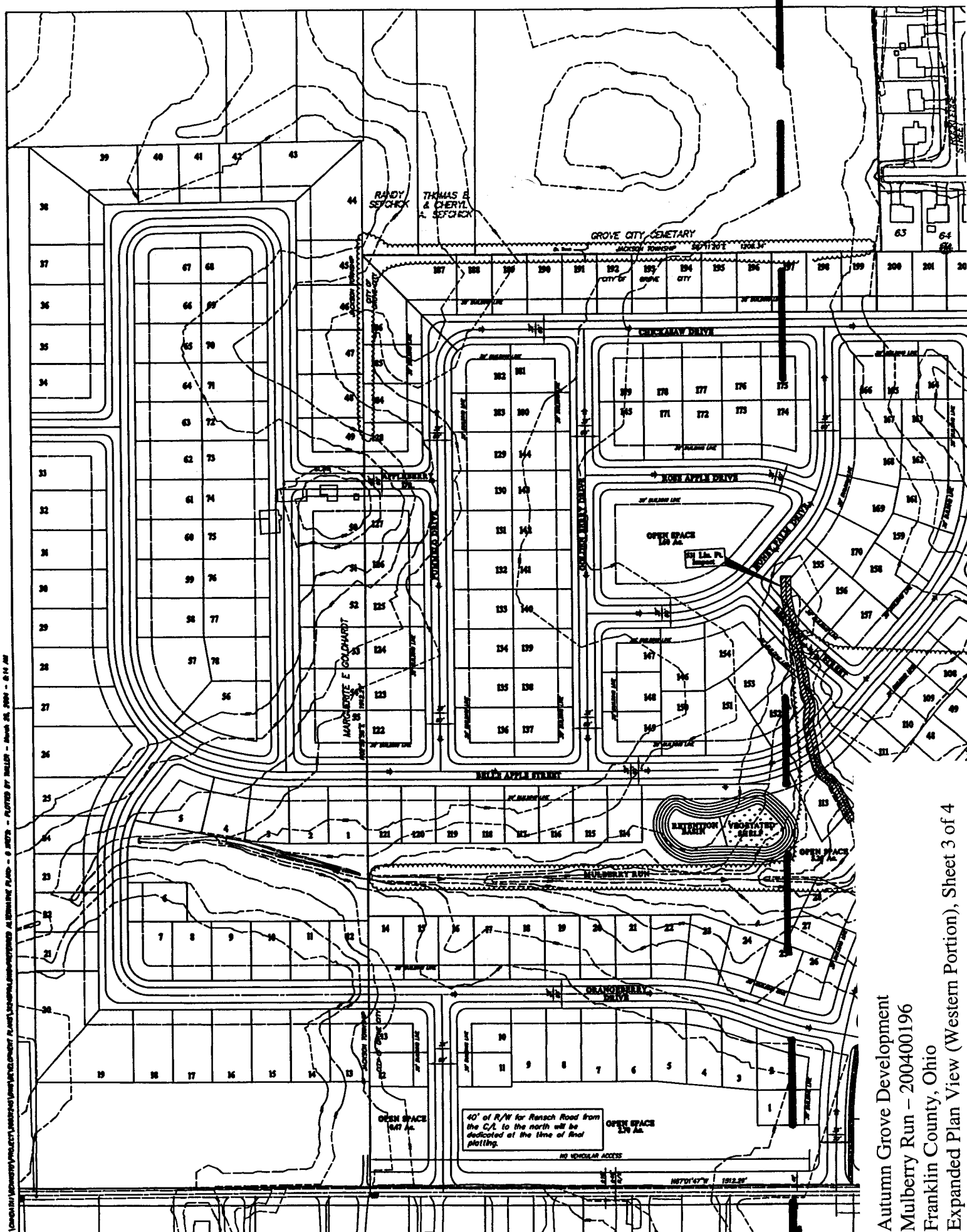
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1"=0.7 miles
(Franklin County Engineering Department, 2003)

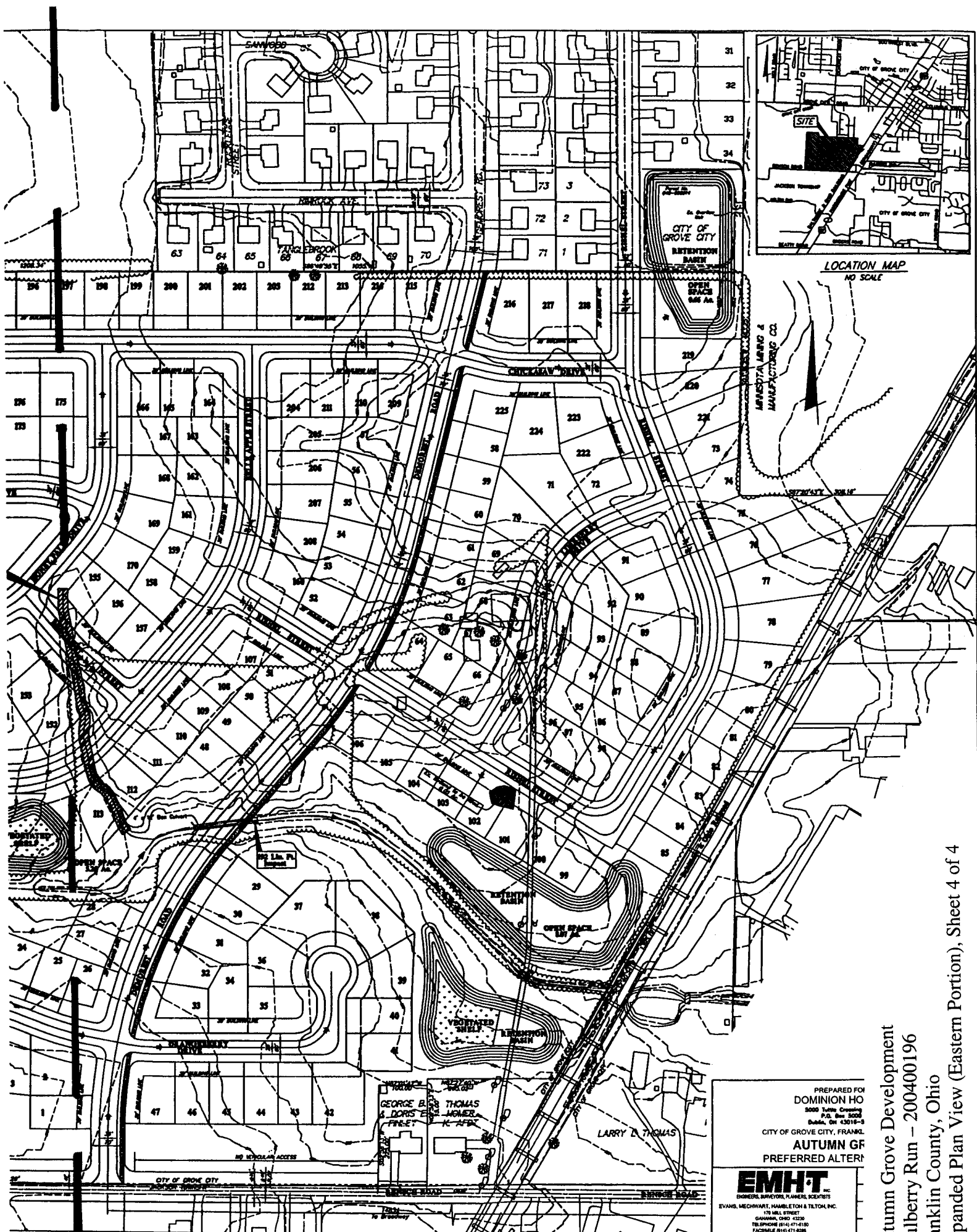
Autumn Grove Development
Mulberry Run - 200400196
Franklin County, Ohio
Location Map, Sheet 1 of 4





Autumn Grove Development
 Mulberry Run - 200400196
 Franklin County, Ohio
 Expanded Plan View (Western Portion), Sheet 3 of 4

MATCH LINE



MATCH LINE

PREPARED FOR
 DOMINION HO
 5000 Lutz Crossing
 P.O. Box 5025
 Dublin, OH 43018-9
 CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO
 AUTUMN GROVE
 PREFERRED ALTERNATIVE

EMHT
 INC.
 ENGINEERS, SURVEYORS, PLANNERS, SCIENTISTS
 EVANS, MECHWANT, HAMILTON & TILTON, INC.
 175 MILL STREET
 GAYMAN, OHIO 43230
 TELEPHONE (614) 471-1100
 FACSIMILE (614) 471-4208

Autumn Grove Development
 Mulberry Run - 200400196
 Franklin County, Ohio
 Expanded Plan View (Eastern Portion), Sheet 4 of 4